

Village of Empire P.O. Box 253 Empire Michigan 49630

February 27, 2022

Village of Empire - Zoning Board of Appeals

P.O. Box 253
Empire, MI 49630

**RE: Finding of Fact, Dimensional Variance Request - W. John Bruder/
Carolyn J. Keith, 11358 S. LaCore Rd., Parcel No. 45-041-824-037-20,
Village of Empire, Leelanau County, Michigan.**

Dear Village of Empire ZBA,

Please find this findings of fact document to guide the Zoning Board of Appeals (ZBA) through the review of the Bruder/Keith Application, dated January 13, 2022 for Variance/Ordinance Interpretation for the above-referenced parcel. The subject parcel is zoned General Residential.

An application for a land use permit to construct an animal barn with hay storage on an existing foundation of the former barn was denied by the Christopher Grobbel, Village of Empire Zoning Administrator on November 3, 2021 as Section 3.03.4: Accessory Buildings of the Village of Empire Zoning Ordinances *prohibits accessory buildings from being located in a front yard in all zoning districts.*

Applicant/landowners on January 13, 2022 requested a dimensional variance from the ZBA to “rebuild (an) animal barn, medicine room and hay storage on-

site of previous barn (same size and location of the (existing) foundation.” Applicants also assert that use of the original barn site is in close proximity to pastures, and will be the most efficient use of land by requiring fewer roads on the subject parcel.

Section 9.05.1. - Dimensional Variances of the Village of Empire Zoning Ordinance:

“The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of these Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant’s personal or economic hardship.

ZBA Finding: This standard has been met/established or this standard and not been met/established

Basis for this Finding:

B. The need for the requested variance is not the result of action of the property owner or previous property owners (i.e., self-created).

ZBA Finding: This standard has been met/established or this standard and not been met/established

Basis for this Finding:

C. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

ZBA Finding: This standard has been met/established or this standard and not been met/established

Basis for this Finding:

D. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance that requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.

ZBA Finding: This standard has been met/established or this standard and not been met/established

Basis for this Finding:

E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

ZBA Finding: This standard has been met/established or this standard and not been met/established

Basis for this Finding:

Other Requirements:

Should the ZBA approve the request for dimensional variance, Section 8.02 of the Village of Empire Zoning Ordinance requires Applicants to submit a new land use permit application to the Village of Empire.

Note that the proposed land use is also subject to the Village of Empire Ordinance No. 128: Nuisance Ordinance (as it amended Ordinance No. 97), adopted March 23, 2010, which among other things regulates the keeping of livestock and other animals within the Village limits.

Please feel free to contact me at 231-499-7175 or grobbelenvironmental@gmail.com with questions. Thank you.

Sincerely,

Village of Empire



Christopher P. Grobbel, Zoning Administrator